Manual of Departmental Enquiries - Amendment to - procedure in respect of recording evidence tendered during preliminary enquiries—

GOVERNMENT OF MAHARASHTRA.
General Administration Department.
Circular No.CDR-1165-D-1.
Sachivalaya, Bombay-32(BR), 8th June 1965.
Jyaistha 18, 1887.

CIRCULAR OF GOVERNMENT

According to paragraph 51 of the Manual of Departmental Enquiries the evidence of the witnesses examined during departmental enquiries is required to be personally tendered by them at the enquiry even if statements previously made by them are on record and it is not sufficient if the statements previously made by them are read out to them and they reaffirm the statements. The Supreme Court of India has recently held that statements previously recorded could merely be read out and could constitute examination-in-chief. Government has examined the position in the light of the Supreme Court ruling and is pleased to direct that the following should be substituted for sub-paragraph 2 of paragraph 51 of the Manual of Departmental Enquiries.

"The evidence of the witnesses examined should be personally tendered by them at the enquiry. If, however, any statements previously made by them e.g. in the preliminary enquiry, are on record, it will be sufficient if such statements are merely read out in their presence and if they admit them they are brought on record. In [redacted] such cases it is not necessary for them to tender evidence afresh except to the extent they may wish to make further statements to supplement or modify the earlier statement. After the witnesses admit their earlier statements and if they so wish make further statements the person charged should be given an opportunity o cross-examine them."

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Deputy Secretary to Government.

To

The Secretary to the Governor,
The Private Secretary to the Chief Minister,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat.

*By letter.

No. of 1965.

Copy forwarded for information and guidance to—

GCP.Rota/G.A.D.-H-297(6,000-6-65)